

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fernandez	Docket No.:	2002 P 05725 US
Serial No.:	10/523,257	Art Unit:	2822
Filed:	January 27, 2005	Examiner:	Thanh Y. Tran
For:	Heat Dissipation Device for Integrated Circuits		

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed on June 5, 2007, Applicant hereby elects Group I, claims 1-6, 9, 14-17 and 19-25, for further prosecution in the above patent application. This election is made with traverse.

Applicant respectfully submits that this restriction requirement is inconsistent with PCT Rule 13. When the Office considers international applications during the national stage, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. MPEP § 1850.

In this case, the restriction was provided because "Invention Group I can be made without cutting the substrate and the plate to produce a plurality of semiconductor packages." The rules for unity of invention under PCT Rule 13 permit an independent claim for a given product and an independent claim for a process specially adapted for the manufacture of the said product. MPEP §1850. The words "specially adapted" are not intended to imply that the product could not also be

manufactured by a different process. *Id.* In other words, the rationale behind the restriction requirement is flawed.

Applicant's position is further supported by the fact that all of the pending claims have been prosecuted together since the beginning of the application process. Claims 1 and 10 are both originally filed claims. The first office action in this case was issued more than one year ago and every office action since then has addressed all claims. Clearly, it is not overly burdensome to examine all pending claims.

Therefore, Applicant respectfully requests withdrawal of the restriction requirement and examination of all pending claims.

Respectfully submitted,

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